

201412230407

EXHIBIT F

ASSIGNMENT OF OPEN-END MULTIFAMILY MORTGAGE, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FIXTURE FILING

THIS ASSIGNMENT OF OPEN-END MULTIFAMILY MORTGAGE, ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FIXTURE FILING (this "Assignment") is made effective as of the 23 day of December, 2014, by M&T REALTY CAPITAL CORPORATION, a Maryland corporation, as assignor (the "Assignor"), whose address is 25 South Charles Street, 17th Floor, Baltimore, Maryland 21201, in favor and for the benefit of FANNIE MAE, a corporation organized and existing under the laws of the United States of America, as assignee (the "Assignee"), whose address is Mail Drawer: Assignments, 3900 Wisconsin Avenue, N.W., Washington, D.C. 20016.

RECITALS

A. Reserve Apartments, LTD, an Ohio limited liability company, and Reserve Square Apartments, LTD., an Ohio limited liability company (collectively, the "Borrower"), are the owners of certain improved real property located in Cuyahoga County, Ohio, which is more particularly described in Exhibit A attached hereto and made a part hereof.

B. The Borrower is indebted to the Assignor pursuant to a Multifamily Note of even date herewith (including any schedules thereto, the "Note") made payable by the Borrower to the order of the Assignor in the original principal amount of \$93,433,000.00. The Note is secured by, among other things, an Open-End Multifamily Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing of even date herewith (including any exhibits thereto, the "Mortgage") granted by the Borrower to the Assignor. The Mortgage constitutes a lien upon the real property described in Exhibit A hereto. The Mortgage was recorded in the Land Records of Cuyahoga County, Ohio, prior to the recording of this Assignment.

C. Simultaneously herewith, the Assignor has endorsed the Note to the Assignee. In connection with such endorsement, the Assignor has agreed to execute and deliver this Assignment to evidence the assignment by the Assignor to the Assignee of all of the Assignor's right, title and interest in and to the Mortgage.

AGREEMENTS

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Assignor hereby acknowledges and agrees as follows:

REDACTED

1. The Assignor acknowledges that the Assignor has sold, assigned, transferred and conveyed unto the Assignee all of the Assignor's right, title and interest in and to the Note.

2. The Assignor does hereby sell, assign, transfer and convey to the Assignee, whose address is as set forth above, all of the Assignor's right, title and interest in and to the Mortgage.

3. Nothing herein contained shall be deemed to alter, amend, modify, restrict or otherwise impair the estate granted by the Borrower pursuant to the Mortgage.

IN WITNESS WHEREOF, Assignor has signed and delivered this Assignment under seal or has caused this Assignment to be signed and delivered by its duly authorized representative.

ASSIGNOR:

M&T REALTY CAPITAL CORPORATION,
a Maryland corporation

By: Janet L. Leitzel (SEAL)
Janet L. Leitzel
Administrative Vice President

STATE OF MARYLAND, CITY/COUNTY OF Baltimore TO WIT:

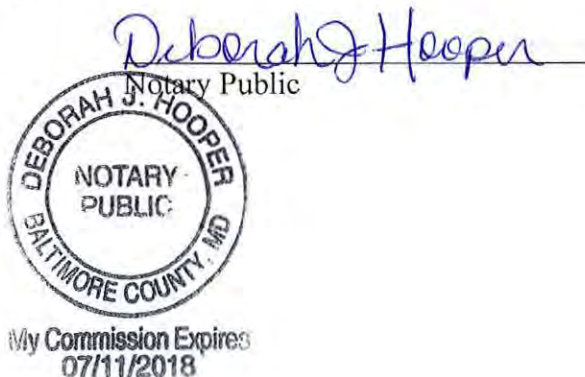
I HEREBY CERTIFY, that on this 18th day of December, 2014, before me, the undersigned Notary Public of said State, personally appeared Janet L. Leitzel, who acknowledged herself to be an Administrative Vice President of M&T Realty Capital Corporation, a Maryland corporation, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument, and acknowledged that she executed the same for the purposes therein contained as the duly authorized Administrative Vice President of said corporation by signing the name of said corporation by herself as Administrative Vice President.

WITNESS my hand and Notarial Seal.

My Commission Expires:

This instrument was prepared by, and
after recording return to:

John R. Rutledge, Esquire
Miles & Stockbridge P.C.
100 Light Street
Baltimore, Maryland 21202



REDACTED

EXHIBIT A

Legal Description

All those certain tracts or parcels of real property located in Cuyahoga County, Ohio, and more particularly described as follows:

Parcel 1 (Fee Parcel):

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot Nos. 164, 165, 166 and 167, part of Payne Avenue, N.E., 80 feet wide and part of Walnut Avenue, N.E., 66 feet wide, as vacated by Ordinance No. 1015-68, passed by the Council of City of Cleveland, Ohio, June 3, 1968 and further known as being part of the hereinafter described premises extending above a horizontal plane at elevation 699.75 feet, U.S. Government Datum Level and having as its upper limits a horizontal plane at elevation 777.90 feet, U.S. Government Datum Level, together forming a parcel of land bounded and described as follows:

Beginning on the Southeasterly line of Superior Avenue N.E., 132 feet wide, at its intersection with the Northeasterly line of East 12th Street, 140 feet wide, as shown by the Dedication Plat recorded in Volume 203 of Maps, Pages 30 and 31 of Cuyahoga County Records;

Course No. 1: Thence North 55° 42' 39" East along said Southeasterly line of Superior Avenue N.E., 78.78 feet;

Course No. 2: Thence South 34° 25' 04" East, 35.40 feet;

Course No. 3: Thence South 55° 54' 48" West, 9.00 feet;

Course No. 4: Thence South 34° 33' 44" East, 119.40 feet;

Course No. 5: Thence North 55° 56' 33" East, 2.43 feet, said point being the most Westerly corner of Parcel No. 2, hereinafter described;

Course No. 6: Thence South 34° 29' 32" East, along a Southwesterly line of said Parcel 2 in Course No. 10 and the Southeasterly prolongation thereof, 78.00 feet;

Course No. 7: Thence South 55° 54' 48" West, 3.78 feet;

Course No. 8: Thence South 34° 06' 36" East, 198.55 feet to a point in the Northwesterly line of Chester Avenue N.E., 100 feet wide, as shown on the Dedication Plat in Volume 203 of Maps, Pages 30 and 31 of Cuyahoga County Records;

Course No. 9: Thence South 55° 48' 37" West along said Northwesterly line of Chester Avenue N.E., 70.27 feet to its intersection with the aforementioned Northeasterly line of East 12th Street;

Course No. 10: Thence North 34° 05' 12" West along said Northeasterly line of East 12th Street, 431.18 feet to the place of beginning, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, dated June, 1993, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 102-22-057

Parcel No. 2 (Fee Parcel):

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot Nos. 166 and 167, part of Payne Avenue N.E., 80 feet wide and part of Walnut Avenue N.E., 66 feet wide,

as vacated by Ordinance No. 1015-68, passed by the Council of City of Cleveland, Ohio, June 3, 1968 and further known as being all that part of the hereinafter described premises extending above a horizontal plane at elevation 701.75 feet, U.S. Government Datum Level and having as its upper limits a horizontal plane at elevation 716 feet, U.S. Government Datum Level, together forming a parcel of land bounded and described as follows:

Beginning on the Southeasterly line of Superior Avenue N.E., 132 feet wide, at its intersection with the Northeasterly line of East 12th Street, 140 feet wide, as shown by the Dedication Plat, recorded in Volume 203 of Maps, Pages 30 and 31 of Cuyahoga County Records;

Thence North 55° 42' 39" East along said Southeasterly line of Superior Avenue N.E., 78.78 feet;

Thence South 34° 25' 04" East, 35.40 feet;

Thence South 55° 54' 48" West, 9 feet;

Thence South 34° 33' 44" East, 119.40 feet;

Thence North 55° 56' 33" East, 2.43 feet to the principal place of beginning, said point being a Northeasterly corner of Parcel 1, heretofore described;

Course No. 1: Thence North 55° 56' 33" East, 55.98 feet;

Course No. 2: Thence North 34° 01' 53" West, 113.56 feet;

Course No. 3: Thence North 55° 54' 18" East, 67.96 feet;

Course No. 4: Thence South 34° 05' 12" East, 3.23 feet;

Course No. 5: Thence North 55° 54' 48" East, 9.03 feet;

Course No. 6: Thence South 34° 03' 43" East, 132.34 feet;

Course No. 7: Thence South 55° 54' 48" West, 6.14 feet;

Course No. 8: Thence South 34° 05' 12" East, 32.06 feet;

Course No. 9: Thence South 55° 59' 09" West, 126.50 feet to a point in the Northeasterly line of aforementioned Parcel 1 in Course No. 6;

Course No. 10: Thence North 34° 29' 32" West along said Northeasterly line of Parcel 1, 53.92 feet to the principal place of beginning, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, dated June, 1993, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 102-22-058

Parcel No. 3 (Fee Parcel):

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Two Acre Lot No. 166 and part of Walnut Avenue N.E., 66 feet wide, as vacated by Ordinance No. 1015-68, passed by the Council of City of Cleveland, Ohio June 3, 1968 and further known as being all that part of the hereinafter described premises extending above a horizontal plane at elevation 647.50 feet, U.S. Government Datum Level and having as its upper limits a horizontal plane at elevation 662.00 feet, U.S. Government Datum Level, together forming a parcel of land bounded and described as follows:

Beginning on the Northeasterly line of East 12th Street, 140 feet wide, as shown by the Dedication Plat recorded in Volume 203 of Maps, Pages 30 and 31 of Cuyahoga County Records at the point distant South 34° 05' 12" East 184 feet as measured along said Northeasterly line of East 12th Street, from its intersection with the Southeasterly line of Superior Avenue N.E., 132 feet wide;

Course No. 1: Thence North 55° 54' 48" East, 2.67 feet;

Course No. 2: Thence South 34° 05' 12" East, 7.90 feet;

Course No. 3: Thence North 55° 54' 48" East, 6.11 feet;

Course No. 4: Thence North 34° 05' 12" West, 0.90 feet;

Course No. 5: Thence North 55° 54' 48" East, 15.66 feet;

Course No. 6: Thence South 34° 05' 12" East, 0.75 feet;

Course No. 7: Thence North 55° 54' 48" East, 2.76 feet;

Course No. 8: Thence South 34° 05' 12" East, 6.36 feet;

Course No. 9: Thence South 55° 54' 48" West, 2.76 feet;

Course No. 10: Thence South 34° 05' 12" East, 0.75 feet;

Course No. 11: Thence South 55° 54' 48" West, 8.83 feet;

Course No. 12: Thence South 34° 05' 12" East, 6.44 feet;

Course No. 13: Thence South 55° 54' 48" West, 12.94 feet;

Course No. 14: Thence South 34° 05' 12" East, 0.47 feet;

Course No. 15: Thence South 55° 54' 48" West, 2.67 feet to the aforementioned Northeasterly line of East 12th Street;

Course No. 16: Thence North 34° 05' 12" West along the Northwesterly line of East 12th Street, 21.77 feet to the place of beginning, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, dated December, 1993, be the same more or less, but subject to all legal highways.

The planes above referred to in the legal description vary in elevation at different locations with the above described premises and the elevation of said planes serving to determine the land being conveyed herein are based upon:

- a) Elevations previously established of recorded as referred to herein;
- b) Elevations established and monumented by survey as referred to herein, and
- c) Elevations that are based upon existing construction plans and which can be monumented as may be required by re-survey upon completion of construction by survey, affidavit by surveyor or other suitable means.

In every case the planes are to be revised to coincide with either the lower surface of the fire proofing on the building girders as erected or with the surfaces of public ways when explicitly referred to above. Said revisions shall be liberally construed so as to eliminate all gaps and/or overlaps between the parcels of land adjacent to said planes.

Permanent Parcel No. 102-22-059

Parcel No. 4 (Valet Closet) (Fee Parcel):

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot No. 166 and further known as being all that part of the hereinafter described premises extending above a horizontal plane at elevation 647.50 feet, U.S. Government Datum Level and having as its upper limits a horizontal plane at elevation 662 feet, U.S. Government Datum Level, bounded and described as follows:

Beginning at the Southeasterly corner of Parcel 3, Course No. 12 according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in June, 1993;

Course No. 1: Thence continuing South $34^{\circ} 05' 12''$ East along the Southeasterly prolongation of Course No. 12 in said Parcel 3, 3.38 feet;

Course No. 2: Thence South $55^{\circ} 54' 18''$ West, 0.24 feet;

Course No. 3: Thence South $34^{\circ} 05' 12''$ East, 0.43 feet;

Course No. 4: Thence North $55^{\circ} 54' 48''$ East, 8.82 feet;

Course No. 5: Thence South $34^{\circ} 05' 12''$ East, 4.07 feet;

Course No. 6: Thence South $55^{\circ} 54' 48''$ West, 1.40 feet;

Course No. 7: Thence South $34^{\circ} 05' 12''$ East, 0.91 feet;

Course No. 8: Thence South $55^{\circ} 54' 48''$ West, 12.37 feet;

Course No. 9: Thence North $34^{\circ} 05' 12''$ West, 4.98 feet;

Course No. 10: Thence North $55^{\circ} 54' 48''$ East, 1.94 feet;

Course No. 11: Thence North $34^{\circ} 05' 12''$ West, 0.43 feet;

Course No. 12: Thence South $55^{\circ} 54' 48''$ West, 0.37 feet;

Course No. 13: Thence North $34^{\circ} 05' 12''$ West, 3.38 feet to a point in Course No. 13 of the aforementioned Parcel 3:

Course No. 14: Thence North $55^{\circ} 54' 48''$ East along Course No. 13 of said Parcel 3, 3.64 feet to the place of beginning, containing 81 square feet, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in April, 1998, be the same more or less, but subject to all legal highways.

The bearings used herein are based on an assumed meridian and are used only to denote angles.

Permanent Parcel No. 102-22-060

Parcel No. 5 (Additional Restaurant Area) (Fee Parcel):

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Two Acre Lot No. 166 and further known as being all that part of the hereinafter described premises extending above a horizontal plane at elevation 702.28 feet, U.S. Government Datum Level and having as its upper limits a horizontal plane at elevation 722.28 feet, U.S. Government Datum Level, bounded and described as follows:

Beginning at the Southeasterly corner of Parcel 2, Course No. 8, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in December, 1993;

Course No. 1: Thence continuing South 34° 05' 12" East along the Southeasterly prolongation of Course No. 8 in said Parcel 2, 57 feet;

Course No. 2: Thence South 55° 59' 09" West, 64.20 feet;

Course No. 3: Thence North 34° 00' 51" West, 57 feet to a point in the Southeasterly line of aforementioned Parcel 2, Course No. 9;

Course No. 4: Thence North 55° 59' 09" East along said Southeasterly line of Parcel 2 in Course No. 9, 64.13 feet to the place of beginning, containing 3,657 square feet (0.0840 acres), according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in April, 1998, be the same more or less, but subject to all legal highways.

The bearings used herein are based on an assumed meridian and are used only to denote angles.

Permanent Parcel No. 102-22-061

With respect to Parcel Nos. 1 thru 5 described above, together with the use and benefit of the following:

All ingress and egress, parking, service, support, utility and other easements, rights and privileges granted and created pursuant to that certain Reciprocal Operation and Easement Agreement by and between EQR-Reserve Square Limited Partnership, an Illinois limited partnership, and Cleveland Finance Associates Limited Partnership, an Illinois limited partnership, dated August 30, 1994, filed August 30, 1994 at 1:02 P. M. and recorded in Volume 94-08322, Pages 4 thru 57 of Cuyahoga County, Ohio Records. Said Reciprocal Operation and Easement Agreement was Amended and Restated by a separate Amended and Restated Reciprocal Operation and Easement Agreement, dated November 17, 1995, filed November 29, 1995 at 12:32 P. M. and recorded in Volume 95-09982, Pages 40 thru 60 and Volume 95-09983, Pages 1 thru 27 of Cuyahoga County, Ohio Records. Said Reciprocal Operation and Easement Agreement was further amended by a separate First Amendment of Amended and Restated Reciprocal Operation and Easement Agreement, dated May 23, 2000, filed December 1, 2000 at 11:29 A. M. and recorded as Cuyahoga County, Ohio Recorder Instrument No. 200012010186. Said Reciprocal Operation and Easement Agreement was further amended by a separate Second Amendment of Amended and Restated Reciprocal Operation and Easement Agreement, dated October 3, 2012, filed October 5, 2012 at 12:44 P. M. and recorded as Cuyahoga County, Ohio Fiscal Officer Instrument No. 201210050467.

Parcel No. 6 (Fee Parcel):

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 2 acre Lot Nos. 164, 165, 166 and 167 bounded and described as follows:

Beginning on the Southerly line of Superior Avenue, N.E., 132 feet wide the Easterly line of E. 12th Street, 140 feet wide, as shown by the Plat recorded in Volume 203 of Maps, Page 30 and 31 of Cuyahoga County Records;

Thence North 55° 42' 39" East along the Southerly line of Superior Avenue, N.E., a distance of 350.52 feet to the Westerly line of E. 13th Street, 66 feet wide;

Thence South 33° 10' 20" East along the Westerly line of E. 13th Street, a distance of 431.85 feet to the Northerly line of Chester Avenue, N.E., 100 feet wide;

Thence South 55° 48' 37" West along the Northerly line of Chester Avenue, N.E., a distance of 343.63 feet to the Easterly line of E. 12th Street;

Thence North 34° 05' 12" West along the Easterly line of E. 12th Street, a distance of 431.18 feet to the place of beginning, be the same more or less but, subject to all legal highways.

Permanent Parcel Nos.: 102-22-003 thru 102-22-012 and 102-22-014 thru 102-22-029

EXCEPTING FROM PARCEL NO. 6, the following five (5) parcels designated below as Parcels A, B, C, D and E:

Parcel A:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot Nos. 164, 165, 166 and 167, part of Payne Avenue, N.E., 80 feet wide and part of Walnut Avenue, N.E., 66 feet wide, as vacated by Ordinance No. 1015-68, passed by the Council of City of Cleveland, Ohio, June 3, 1968 and further known as being part of the hereinafter described premises extending above a horizontal plane at elevation 699.75 feet, U.S. Government Datum Level and having as its upper limits a horizontal plane at elevation 777.90 feet, U.S. Government Datum Level, together forming a parcel of land bounded and described as follows:

Beginning on the Southeasterly line of Superior Avenue N.E., 132 feet wide, at its intersection with the Northeasterly line of East 12th Street, 140 feet wide, as shown by the Dedication Plat recorded in Volume 203 of Maps, Pages 30 and 31 of Cuyahoga County Records;

Course No. 1: Thence North 55° 42' 39" East along said Southeasterly line of Superior Avenue N.E., 78.78 feet;

Course No. 2: Thence South 34° 25' 04" East, 35.40 feet;

Course No. 3: Thence South 55° 54' 48" West, 9.00 feet;

Course No. 4: Thence South 34° 33' 44" East, 119.40 feet;

Course No. 5: Thence North 55° 56' 33" East, 2.43 feet, said point being the most Westerly corner of Parcel B, hereinafter described;

Course No. 6: Thence South 34° 29' 32" East, along a Southwesterly line of said Parcel B in Course No. 10 and the Southeasterly prolongation thereof, 78.00 feet;

Course No. 7: Thence South 55° 54' 48" West, 3.78 feet;

Course No. 8: Thence South 34° 06' 36" East, 198.55 feet to a point in the Northwesterly line of Chester Avenue N.E., 100 feet wide, as shown on the Dedication Plat in Volume 203 of Maps, Pages 30 and 31 of Cuyahoga County Records;

Course No. 9: Thence South 55° 48' 37" West along said Northwesterly line of Chester Avenue N.E., 70.27 feet to its intersection with the aforementioned Northeasterly line of East 12th Street;

Course No. 10: Thence North 34° 05' 12" West along said Northeasterly line of East 12th Street, 431.18 feet to the place of beginning, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, dated June, 1993, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 102-22-057

Parcel B:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot Nos. 166 and 167, part of Payne Avenue N.E., 80 feet wide and part of Walnut Avenue N.E., 66 feet wide, as vacated by Ordinance No. 1015-68, passed by the Council of City of Cleveland, Ohio, June 3, 1968 and further known as being all that part of the hereinafter described premises extending above a horizontal plane at elevation

701.75 feet, U.S. Government Datum Level and having as its upper limits a horizontal plane at elevation 716 feet, U.S. Government Datum Level, together forming a parcel of land bounded and described as follows:

Beginning on the Southeasterly line of Superior Avenue N.E., 132 feet wide, at its intersection with the Northeasterly line of East 12th Street, 140 feet wide, as shown by the Dedication Plat, recorded in Volume 203 of Maps, Pages 30 and 31 of Cuyahoga County Records;

Thence North $55^{\circ} 42' 39''$ East along said Southeasterly line of Superior Avenue N.E., 78.78 feet;

Thence South $34^{\circ} 25' 04''$ East, 35.40 feet;

Thence South $55^{\circ} 54' 48''$ West, 9 feet;

Thence South $34^{\circ} 33' 44''$ East, 119.40 feet;

Thence North $55^{\circ} 56' 33''$ East, 2.43 feet to the principal place of beginning, said point being a Northeasterly corner of Parcel A, heretofore described;

Course No. 1: Thence North $55^{\circ} 56' 33''$ East, 55.98 feet;

Course No. 2: Thence North $34^{\circ} 01' 53''$ West, 113.56 feet;

Course No. 3: Thence North $55^{\circ} 54' 18''$ East, 67.96 feet;

Course No. 4: Thence South $34^{\circ} 05' 12''$ East, 3.23 feet;

Course No. 5: Thence North $55^{\circ} 54' 48''$ East, 9.03 feet;

Course No. 6: Thence South $34^{\circ} 03' 43''$ East, 132.34 feet;

Course No. 7: Thence South $55^{\circ} 54' 48''$ West, 6.14 feet;

Course No. 8: Thence South $34^{\circ} 05' 12''$ East, 32.06 feet;

Course No. 9: Thence South $55^{\circ} 59' 09''$ West, 126.50 feet to a point in the Northeasterly line of aforementioned Parcel A in Course No. 6;

Course No. 10: Thence North $34^{\circ} 29' 32''$ West along said Northeasterly line of Parcel A, 53.92 feet to the principal place of beginning, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, dated June, 1993, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 102-22-058

Parcel C:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Two Acre Lot No. 166 and part of Walnut Avenue N.E., 66 feet wide, as vacated by Ordinance No. 1015-68, passed by the Council of City of Cleveland, Ohio June 3, 1968 and further known as being all that part of the hereinafter described premises extending above a horizontal plane at elevation 647.50 feet, U.S. Government Datum Level and having as its upper limits a horizontal plane at elevation 662.00 feet, U.S. Government Datum Level, together forming a parcel of land bounded and described as follows:

Beginning on the Northeasterly line of East 12th Street, 140 feet wide, as shown by the Dedication Plat recorded in Volume 203 of Maps, Pages 30 and 31 of Cuyahoga County Records at the point distant South $34^{\circ} 05' 12''$ East 184

feet as measured along said Northeasterly line of East 12th Street, from its intersection with the Southeasterly line of Superior Avenue N.E., 132 feet wide;

Course No. 1: Thence North 55° 54' 48" East, 2.67 feet;

Course No. 2: Thence South 34° 05' 12" East, 7.90 feet;

Course No. 3: Thence North 55° 54' 48" East, 6.11 feet;

Course No. 4: Thence North 34° 05' 12" West, 0.90 feet;

Course No. 5: Thence North 55° 54' 48" East, 15.66 feet;

Course No. 6: Thence South 34° 05' 12" East, 0.75 feet;

Course No. 7: Thence North 55° 54' 48" East, 2.76 feet;

Course No. 8: Thence South 34° 05' 12" East, 6.36 feet;

Course No. 9: Thence South 55° 54' 48" West, 2.76 feet;

Course No. 10: Thence South 34° 05' 12" East, 0.75 feet;

Course No. 11: Thence South 55° 54' 48" West, 8.83 feet;

Course No. 12: Thence South 34° 05' 12" East, 6.44 feet;

Course No. 13: Thence South 55° 54' 48" West, 12.94 feet;

Course No. 14: Thence South 34° 05' 12" East, 0.47 feet;

Course No. 15: Thence South 55° 54' 48" West, 2.67 feet to the aforementioned Northeasterly line of East 12th Street;

Course No. 16: Thence North 34° 05' 12" West along the Northwesterly line of East 12th Street, 21.77 feet to the place of beginning, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, dated December, 1993, be the same more or less, but subject to all legal highways.

The planes above referred to in the legal description vary in elevation at different locations with the above described premises and the elevation of said planes serving to determine the land being conveyed herein are based upon:

- a) Elevations previously established of recorded as referred to herein;
- b) Elevations established and monumented by survey as referred to herein, and
- c) Elevations that are based upon existing construction plans and which can be monumented as may be required by re-survey upon completion of construction by survey, affidavit by surveyor or other suitable means.

In every case the planes are to be revised to coincide with either the lower surface of the fire proofing on the building girders as erected or with the surfaces of public ways when explicitly referred to above. Said revisions shall be liberally construed so as to eliminate all gaps and/or overlaps between the parcels of land adjacent to said planes.

Permanent Parcel No. 102-22-059

Parcel D (Valet Closet):

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Two Acre Lot No. 166 and further known as being all that part of the hereinafter described premises extending above a horizontal plane at elevation 647.50 feet, U.S. Government Datum Level and having as its upper limits a horizontal plane at elevation 662 feet, U.S. Government Datum Level, bounded and described as follows:

Beginning at the Southeasterly corner of Parcel C, Course No. 12 according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in June, 1993;

Course No. 1: Thence continuing South 34° 05' 12" East along the Southeasterly prolongation of Course No. 12 in said Parcel C, 3.38 feet;

Course No. 2: Thence South 55° 54' 18" West, 0.24 feet;

Course No. 3: Thence South 34° 05' 12" East, 0.43 feet;

Course No. 4: Thence North 55° 54' 48" East, 8.82 feet;

Course No. 5: Thence South 34° 05' 12" East, 4.07 feet;

Course No. 6: Thence South 55° 54' 48" West, 1.40 feet;

Course No. 7: Thence South 34° 05' 12" East, 0.91 feet;

Course No. 8: Thence South 55° 54' 48" West, 12.37 feet;

Course No. 9: Thence North 34° 05' 12" West, 4.98 feet;

Course No. 10: Thence North 55° 54' 48" East, 1.94 feet;

Course No. 11: Thence North 34° 05' 12" West, 0.43 feet;

Course No. 12: Thence South 55° 54' 48" West, 0.37 feet;

Course No. 13: Thence North 34° 05' 12" West, 3.38 feet to a point in Course No. 13 of the aforementioned Parcel C:

Course No. 14: Thence North 55° 54' 48" East along Course No. 13 of said Parcel C, 3.64 feet to the place of beginning, containing 81 square feet, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in April, 1998, be the same more or less, but subject to all legal highways.

The bearings used herein are based on an assumed meridian and are used only to denote angles.

Permanent Parcel No. 102-22-060

Parcel E (Additional Restaurant Area):

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Two Acre Lot No. 166 and further known as being all that part of the hereinafter described premises extending above a horizontal plane at elevation 702.28 feet, U.S. Government Datum Level and having as its upper limits a horizontal plane at elevation 722.28 feet, U.S. Government Datum Level, bounded and described as follows:

Beginning at the Southeasterly corner of Parcel B, Course No. 8, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in December, 1993;

Course No. 1: Thence continuing South 34° 05' 12" East along the Southeasterly prolongation of Course No. 8 in said Parcel B, 57 feet;

Course No. 2: Thence South 55° 59' 09" West, 64.20 feet;

Course No. 3: Thence North 34° 00' 51" West, 57 feet to a point in the Southeasterly line of aforementioned Parcel B, Course No. 9;

Course No. 4: Thence North 55° 59' 09" East along said Southeasterly line of Parcel B in Course No. 9, 64.13 feet to the place of beginning, containing 3,657 square feet (0.0840 acres), according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in April, 1998, be the same more or less, but subject to all legal highways.

The bearings used herein are based on an assumed meridian and are used only to denote angles.

Permanent Parcel No. 102-22-061
END OF EXCEPTION PARCELS

With respect to Parcel No. 6 described above, together with the use and benefit of the following:

All ingress and egress, parking, service, support, utility and other easements, rights and privileges granted and created pursuant to that certain Reciprocal Operation and Easement Agreement by and between EQR-Reserve Square Limited Partnership, an Illinois limited partnership, and Cleveland Finance Associates Limited Partnership, an Illinois limited partnership, dated August 30, 1994, filed August 30, 1994 at 1:02 P. M. and recorded in Volume 94-08322, Pages 4 thru 57 of Cuyahoga County, Ohio Records. Said Reciprocal Operation and Easement Agreement was Amended and Restated by a separate Amended and Restated Reciprocal Operation and Easement Agreement, dated November 17, 1995, filed November 29, 1995 at 12:32 P. M. and recorded in Volume 95-09982, Pages 40 thru 60 and Volume 95-09983, Pages 1 thru 27 of Cuyahoga County, Ohio Records. Said Reciprocal Operation and Easement Agreement was further amended by a separate First Amendment of Amended and Restated Reciprocal Operation and Easement Agreement, dated May 23, 2000, filed December 1, 2000 at 11:29 A. M. and recorded as Cuyahoga County, Ohio Recorder Instrument No. 200012010186. Said Reciprocal Operation and Easement Agreement was further amended by a separate Second Amendment of Amended and Restated Reciprocal Operation and Easement Agreement, dated October 3, 2012, filed October 5, 2012 at 12:44 P. M. and recorded as Cuyahoga County, Ohio Fiscal Officer Instrument No. 201210050467.

RETURN TO:



6155 Park Square Drive, Suite 8
Lorain, Ohio 44053
114-3592